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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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RICHARD W. WIEKING
CLERK

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

HR

UNITED STATES OF AMERICA,
Plaintiff,
v.
ARMANDO ANDRADE-ESPINOZA,
Defendant.

No. CR-08 00763 RMW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
OCTOBER 30, 2008 TO NOVEMBER 17,
2008 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

On October 30, 2008, the parties appeared for a hearing before this the Honorable Magistrate Judge Howard R. Lloyd. At that hearing, the government and defense requested an exclusion of time under the Speedy Trial Act based upon the defense counsel's need to effectively prepare by reviewing discovery materials submitted by the government. At that time, the Court set the matter for a status hearing on November 17, 2008, at 9:00 a.m. before the Honorable Judge Ronald M. Whyte.

The parties stipulate that the time between October 30, 2008 and November 17, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for

1 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
2 that the ends of justice served by granting the requested continuance outweigh the best interest of
3 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
4 U.S.C. §3161(h)(8)(A).

5
6 DATED: November 3, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

7
8 /s/
9 CHAD M. MANDELL
Special Assistant United States Attorney

10
11 /s/
12 LARA VINNARD
Assistant Federal Public Defender

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between October 30, 2008 and November 17, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 11/7/08



HOWARD R. LLOYD
UNITED STATES MAGISTRATE DISTRICT JUDGE